

REMARKS

The Office Action dated September 26, 2003 has been reviewed and carefully considered. Claim 5 has been redrafted into independent form as the current claim 1, but has not otherwise been amended. Claim 4 has been redrafted into independent form, and an additional claim limitation has been added, to form new claim 22. Claims 10 and 16 have been amended to depend from new claim 22. Originally filed claims 4, 5, 11 and 17 have been canceled. Claims 1-3, 6-10, 12-16 and 18-22 are pending, of which the independent claims are 1 and 22. Reconsideration of the above-identified application, as amended and in view of the following remarks, is respectfully requested.

Claims 1-3 stand rejected under 35 U.S.C. 102(e) as anticipated by U.S. Patent No. 5,978,855 to Metz et al. ("Metz").

Claims 1-3 now include the limitations of original claim 5, which, as item 5 of the Office Action acknowledges, Metz fails to disclose or suggest. Accordingly, the anticipation rejection is rendered moot.

Claims 4, 10 and 16 stand rejected under 35 U.S.C. 103(a) as unpatentable over Metz in view of U.S. Patent Publication No. 2001/0022001 to Hiroi.

Claims 10 and 16 both depend now from new claim 22, which recites:

"said predetermined grouping formulation for storage being at the elementary level, said predetermined grouping formulation being configured to facilitate pre-fetching from among the stored directory objects, the receiver comprising means for said pre-fetching."

Support for new claim 22 is found in originally-filed claim 4 and in the specification (e.g., lines 12-27 of page 2 and lines 3-15 of page 8).

As item 4 of the Office Action acknowledges, Metz fails to disclose or suggest the limitations specific to originally-filed claim 4 and therefore specific to new claim 22.

Item 4 of the Office Action suggests that modification of Metz in view of Hiroi, based on disclosure relating to Hiroi FIG. 3, renders obvious original claim 4.

The proposed Metz/Hiroi combination does not, however, disclose or suggest at least the above-quoted feature of means for pre-fetching. For at least this reason, Metz/Hiroi fails to render obvious the invention as recited in claims 10, 16 and 22.

Claims 5, 11 and 17 stand rejected under 35 U.S.C. 103(a) as unpatentable over Metz in view of U.S. Patent No. 5,235,619 to Beyers, II et al. ("Beyers").

Claim 5 has been redrafted into independent form as claim 1.

Claim 1 recites:

wherein carousel-forming data file and directory objects are sent in cycles with predetermined groups of file and directory objects being formed into respective modules at the transmitter, with each module being transmitted as a whole, and the receiver being arranged to store received file data and directory objects under a predetermined grouping formulation, wherein the file and directory modules are comprised in discrete data portions carried in an elementary data stream, with said predetermined grouping formulation for storage being at the module level

As item 5 of the Office Action acknowledges, Metz fails to disclose or suggest the claim 1 limitations particular to former claim 5, i.e.,

wherein the file and directory modules are comprised in discrete data portions carried in an elementary data stream, with said predetermined

grouping formulation for storage being at the module level

Item 5 of the Office Action cites lines 49-61 of column 51 of Beyers as disclosing the above-quoted language particular to former claim 5.

However, the cited passage in Beyers relates to calibration by an external controller of transmit levels of a module that incorporates a data transmitter for returning data sent to a set-top box. Presumably, item 5 of the Office Action is suggesting that Metz discloses a "module" in the sense that such a term is understood in the context of the claim limitations particular to former claim 1. A fair reading of current claim 1, however, makes it unclear how the meaning being suggested for the word "module" in the first part of the claim, based on Metz, could be assigned a meaning different from meaning being suggested for "module" in the second part of the claim, based on Beyers. That is, it is unclear how the Beyers module relates to the module of current claim 1 which, by the explicit language of current claim 1, is created by "predetermined groups of file and directory objects being formed into respective modules at the transmitter, with each module being transmitted as a whole." For at least this reason, it is unclear how it can properly be said that the purported Metz/Beyers features an embodiment with "said predetermined grouping formulation for storage being at the module level" as explicitly required by the language of claim 1. It appears as though item 5 of the Office Action is suggesting that the latter-quoted limitation of claim 1 be simply ignored for purposes of examination in the Patent Office, but such a notion would be contrary to proper claim interpretation.

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). "All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). If an independent claim is nonobvious under **35 U.S.C. 103**, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). MPEP 2143.03.

Metz/Beyers fails to disclose or suggest "said predetermined grouping formulation for storage being at the module level" as explicitly specified in the language of claim 1 and fails to render obvious the invention as recited in claim 1 for at least this reason. Reconsideration and withdrawal of the rejection is respectfully requested.

Claims 6, 12 and 18 stand rejected under 35 U.S.C. 103(a) as unpatentable over Metz in view of U.S. Patent Publication No. 2002/0091816 to Stalker.

Claims 6, 12 and 18 each depend from claim 1. Stalker cannot make up for the deficiencies in Metz. For at least this reason, Metz/Stalker fails to render obvious the invention as recited in claims 6, 12 and 18.

Claims 7-9, 13-15 and 19-21 stand rejected under 35 U.S.C. 103(a) as unpatentable over Metz in view of U.S. Patent Publication 2002/0188950 to Soloff et al. ("Soloff").


Claims 7-9, 13-15 and 19-21 each depend from claim 1. Soloff cannot make up for the deficiencies in Metz. For at least this reason, Metz/Soloff fails to render obvious the invention as recited in claims 7-9, 13-15 and 19-21.

For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Respectfully submitted,

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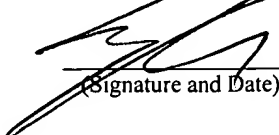

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